

RESPONSE UNDER 37 C.F.R. § 1.116  
U.S. Application No. 09/788,603

**REMARKS**

Claims 1, 3-11, 13-20 and 22-25 are all the claims pending in the application. None of the claims is being amended.

The Examiner has rejected claims 1, 3-4, 9-11, 13, 18-20 and 22-25 under 35 U.S.C. 102(b) as being allegedly anticipated by Pinard (U.S. Patent No. 5,898,432). Applicants respectfully traverse this rejection in view of the following arguments.

Specifically, without admitting that Pinard teaches any other limitations of pending claims, Applicants respectfully submit that Pinard fails to teach or suggest a feature of the present invention recited in independent claims 1 and 11, wherein at least one of representation elements is selected based on the user's focus of attention.

In more detail, Pinard discloses a method for indicating to a user of a terminal which includes a display, of the occurrence of a specific function. The notification is performed using a cursor icon on the display movable by a user, which is normally used by a user just like an ordinary cursor. Upon the occurrence of a specific function, the form of the cursor changes such as to inform the user of the occurrence of that function. To this end, the cursor changes to an icon or to include an icon related to the function. The position of the cursor does not change. For example, upon the receipt of a telephone call, the cursor changes to include an image of a telephone set, see Pinard, Fig. 3 and col. 4, lines 5-10.

Pinard emphasizes that his system is based on the assumption that user always positions the cursor at the very center of its attention. At col. 3, lines 34-40, Pinard states: "It is important to recognize that the user positions the cursor at a location where the user's attention is focused.

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Intensity of the focusing of the attention is often so strong at the cursor position that the user can miss the change in an icon or the introduction of a new icon on the display caused by another function which is not under immediate control by the user.” Pinard further states: “Since the icon related to the function is at the focus of attention of the user, it is virtually impossible to ignore or be overlooked by the user,” see Pinard, col. 3, lines 59-61. Thus, in Pinard, the selection of varying representation elements (mail icon, fax icon, telephone icon, etc.) depends only on the occurred function and does not depend on the focus of attention of the user, as in Pinard, the user’s attention is always focused on the cursor, see Pinard, col. 3, lines 59-61. The selected representation elements are always attached to the cursor, which is always in the user’s center of attention. In other words, in Pinard, the icons incorporated into the cursor carry the information on the occurred function and, therefore, the appearance of these icons dependent only on the function itself and not on the user’s focus of attention.

On the other hand, the independent claims 1 and 11 specifically recite a feature of the invention, wherein at least one of representation elements used in informing the user about events is selected based on the user’s focus of attention. This feature of the invention is not taught or suggested by Pinard, which selects the representation element (mail icon, fax icon, telephone icon, etc.) based solely on the occurred function. For this reason, Pinard fails to teach or suggest all limitations of claims 1 and 11 and, therefore, these claims are not anticipated by Pinard.

With respect to rejection of dependent claim 3, the Examiner states that Pinard teaches the selected representation element is at periphery of user’s focus of attention. The Examiner

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points to figures 2-5 in support of this bold assertion. In response, Applicants respectfully submit that Pinard teaches exactly the opposite. As stated above, the whole idea of pinanrd is based on the fact that user always positions the cursor at the very center of its attention. The portions of Pinard quoted by Applicants above clearly establish this fact. As to figures 2-5 cited by the Examiner, in those figures the cursor is shown right in the middle of the figure, which further indicates that it is at the center of attention of the user. The Examiner has failed to point to any language in Pinard that would support the Examiner's position.

In this regard, Applicants respectfully remind the Examiner that Pinard is the applied prior art and not the Examiner's assertions. When the PTO asserts that there is an explicit or implicit teaching or suggestion in the prior art, it must indicate where such teaching or suggestion appears in the reference. See *In re Rijckaert*, 28 U.S.P.Q.2d 1955,7 (Fed. Cir. 1993). Thus, Pinard fails to teach or suggest the limitation of claim 3, wherein the selected representation element is at the periphery of the user focus of attention and, therefore, claim 3 is independently patentable over Pinard.

With respect to the rejection of dependent claims 3-4, 9-10, 13, 18-20 and 22-25, while continuing to traverse the Examiner's characterization of the teachings of the references used by the Examiner in rejecting these claims, Applicants respectfully submit that these claims are patentable by definition, by virtue of their dependence upon the patentable claims 1 and 11.

Claims 5-8 and 14-17

The Examiner has rejected claims 5-8 and 14-17 under 35 U.S.C. 103(a) as being allegedly unpatentable over Pinard (U.S. Patent No. 5,898,432) in view of Tavori (U.S. patent

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No. 5,724,025). Applicants respectfully traverse this rejection in view of the following arguments.

Specifically, with respect to the rejection of dependent claims 5-8 and 14-17, while continuing to traverse the Examiner's characterization of the teachings of the references used by the Examiner in rejecting these claims, Applicants respectfully submit that these claims are patentable by definition, by virtue of their dependence upon the patentable claims 1 and 11.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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